

Robert A. Shlachter, OSB No. 911718

Email: rshlachter@stollberne.com

Timothy S. DeJong, OSB No. 940662

Email: tdejong@stollberne.com

Joshua L. Ross, OSB No. 034387

Email: jross@stollberne.com

**STOLL STOLL BERNE LOKTING
& SHLACHTER P.C.**

209 S.W. Oak Street, Suite 500

Portland, Oregon 97204

Telephone: (503) 227-1600

Facsimile: (503) 227-6840

Bruce G. Vanyo (*Pro Hac Vice* Application to be filed)

Email: bruce@kattenlaw.com

Jeffrey A. Finn (*Pro Hac Vice* Application to be filed)

Email: jeffrey.finn@kattenlaw.com

Yonaton M. Rosenzweig (*Pro Hac Vice* Application to be filed)

Email: yoni.rosenzweig@kattenlaw.com

KATTEN MUCHIN ROSENMAN LLP

2029 Century Park East, Suite 2600

Los Angeles, CA 90067-3012

Telephone: 310-788-4400

Facsimile: 310-788-4471

Attorneys for Defendants

[Additional Counsel Appear on Signature Page]

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

VESTA CORPORATION,

Plaintiff,

v.

AMDOCS MANAGEMENT LIMITED;
AMDOCS, INC.,

Defendants.

Case No.: 3:14-cv-1142

**NOTICE OF REMOVAL OF ACTION
BY DEFENDANT AMDOCS, INC.
PURSUANT TO 28 U.S.C. §§ 1441(B)
AND 1332**

(DIVERSITY OF CITIZENSHIP)

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF AND ITS COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§1441(b) and 1332, defendant Amdocs, Inc., hereby removes the state court action described below to the United States District Court for the District of Oregon, Portland Division. Removal is based upon the following grounds:

A. Procedural Background

1. On June 30, 2014, plaintiff Vesta Corporation (“Plaintiff”) filed a complaint against Amdocs, Inc. (“Amdocs”) and Amdocs Management Limited (collectively, “Defendants”) in the Circuit Court of the State of Oregon for the County of Washington. The complaint is captioned *Vesta Corporation v. Amdocs Management Limited, et al*, No. C143886CV (“State Court Action”).

2. Plaintiff served Amdocs on July 1, 2014, with a copy of the Complaint and the Summons (the “Complaint”). True and correct copies of the Complaint are attached hereto as **Exhibit A**. No other documents have been served upon Amdocs.

3. Plaintiff has not served defendant Amdocs Management Limited with a copy of the Complaint, or with any other documents in this matter. Declaration of Yonaton Rosenzweig (“Rosenzweig Decl.”) ¶ 2.

4. No defendant has answered or otherwise responded to the Complaint and no other proceeding has occurred in the State Court Action.

B. Jurisdictional Statement

1. This Action may be removed to this Court by Amdocs, pursuant to 28 U.S.C. §1441(b), because this Court has original diversity jurisdiction over this action under 28 U.S.C.

§1332. As set forth below, Plaintiff is diverse from all Defendants and the amount in controversy exceeds the sum of \$75,000, exclusive of interests and costs.

2. Citizenship of the Parties: The requisite diversity exists between Plaintiff and Defendants because none of the Defendants is a citizen of the State in which Plaintiff is a citizen. 28 U.S.C. § 1332(a)(1); 28 U.S.C. § 1441(b)(2).

a. Plaintiff Vesta Corporation is a citizen of Oregon only. Plaintiff is incorporated in the State of Oregon and its principal place of business is in the State of Oregon. (Compl. ¶ 1.)

b. Defendant Amdocs is a citizen of Delaware and Missouri. Amdocs is incorporated in Delaware. (Rosenzweig Decl. ¶ 3; Compl. ¶ 3.) Its principal place of business is in Missouri. (Rosenzweig Decl. ¶ 4; Compl. ¶ 3.) Amdocs' citizenship has not changed between the date this action was commenced and the date of removal. A corporation is “deemed to be a citizen of every State ... by which is has been incorporated and the State ... where it has its principal place of business” 28 U.S.C. § 1332(c)(1).

c. Defendant Amdocs Management Limited is a citizen of England and Wales only. Amdocs Management Limited is incorporated under the laws of England and Wales, with its principal place of business in London, England. (Rosenzweig Decl. ¶ 4; Compl. ¶ 2.) Pursuant to 28 U.S.C. §1332(c)(1), “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business”

d. “For purposes of removal ... the citizenship of defendants sued under fictitious names shall be disregarded.” 28 U.S.C. § 1441(b)(1). Plaintiff has not identified any

DOE defendants but any such DOE defendants later identified must be disregarded for the purposes of assessing the propriety of removal of this action.

e. Amount in Controversy. While Amdocs denies that Plaintiff is entitled to any damages, the Complaint alleges an amount in controversy in excess of the jurisdictional amount of \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a). Plaintiff alleges that it has suffered damages of “\$300,000,000” in connection with the allegations in the Complaint. (Compl. at 1; *id.* ¶¶ 86, 109.) Therefore, the amount in controversy exceeds \$75,000 exclusive of interests and costs. 28 U.S.C. § 1332(a).

C. Removal Procedure

1. Amdocs has complied with 28 U.S.C. §1446(a) by attaching hereto as Exhibit A all process, pleadings, and orders received by Amdocs in the State Court Action.

2. This Notice of Removal (“Notice”) is timely pursuant to 28 U.S.C. §1446(b) because it is filed within 30 days of Amdocs’s receipt of the initial pleading. “Receipt” of the Complaint means proper service as required by state law. *See Murphy Bros., Inc. v. Michettis Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999). Amdocs was served with the Complaint on July 1, 2014. Amdocs files this Notice on July 17, 2014, within the 30-day deadline provided by 28 U.S.C. §1446(b).

3. Amdocs will promptly give written notice of this Notice to Plaintiff and will file a copy of this Notice with the clerk of the Circuit Court of the State of Oregon for the County of Washington, as required by 28 U.S.C. §1446(d).

D. Venue

1. The proper venue for this removal petition is the United States District Court for the District of Oregon, Portland Division, because that is the District and Division embracing the

place where the State Court Action is pending (*i.e.*, State of Oregon, Washington County). 28 U.S.C. § 1441(a); *see* Exhibit A.

2. Amdocs reserves the right to move to transfer this action to a more convenient federal forum. 28 U.S.C. § 1404(a). Amdocs also does not waive any rights to move to dismiss on the grounds of personal jurisdiction or to transfer/dismiss for inconvenient venue, improper venue, or *forum non conveniens*.

3. Amdocs denies that Plaintiff is entitled to any recovery in this action, and by filing this Notice, Amdocs specifically preserves and does not waive any and all defenses that may be available to it, including, without limitation, any defenses contained in Rule 12 of the Federal Rules of Civil Procedure and under the substantive law applicable to this action.

THEREFORE, Amdocs hereby commences this federal court action and removes the State Court Action from the Circuit Court of the State of Oregon.

DATED this 17th day of July, 2014.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

By: /s/ Timothy S. DeJong

Robert A. Shlachter, OSB No. 911718

Timothy S. DeJong, OSB No. 940662

Joshua L. Ross, OSB No. 034387

209 SW Oak Street, Suite 500

Portland, OR 97204

Telephone: (503) 227-1600

Facsimile: (503) 227-6840

Email: rshlachter@stollberne.com

tdejong@stollberne.com

jross@stollberne.com

-And-

Bruce G. Vanyo (*Pro Hac Vice* Application to be filed)
Email: bruce@kattenlaw.com
Jeffrey A. Finn (*Pro Hac Vice* Application to be filed)
Email: jeffrey.finn@kattenlaw.com
Yonaton M. Rosenzweig (*Pro Hac Vice* App. to be filed)
yoni.rosenzweig@kattenlaw.com
KATTEN MUCHIN ROSENMAN LLP
2029 Century Park East, Suite 2600
Los Angeles, CA 90067-3012
Telephone: 310-788-4400
Facsimile: 310-788-4471

Kristin Achterhof (*Pro Hac Vice* Application to be filed)
Email: kristin.achterhof@kattenlaw.com
KATTEN MUCHIN ROSENMAN LLP
525 W. Monroe Street
Chicago, IL 60661-3693
Telephone: 312-902-5296
Facsimile: 312-577-8996

Attorneys for Defendants